

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Titus Kaletta, et al.
 Serial No.: 09/857,478
 Confirmation No.: 4784
 Filed: August 17, 2001
 For: METHODS FOR CONSTRUCTING LIBRARIES OF
 PHENOTYPE PROFILES

Examiner: Sumesh Kaushal
 Art Unit: 1636

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 13 day of November, 2003.


 John R. Van Amsterdam

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- ☒ Response to Office Communication
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No fee is due. If a fee is required, please charge the fee to Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Titus Kaletta, et al., Applicant


 John R. Van Amsterdam, Reg. No. 40,212
 Wolf, Greenfield & Sacks, P.C.
 600 Atlantic Avenue
 Boston, Massachusetts 02210
 Telephone: (617) 720-3500

Docket No.: D0590.70019US00
 Date: November 13, 2003
 X11/29/03



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John R. Van Amsterdam

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE COMMUNICATION

Sir:

This is responsive to the Office communication (paper 10) mailed October 29, 2003. In that communication, the Examiner stated that the previously filed amendment was not fully responsive to the prior Office Action. The Examiner requires that Applicant point out the differences between the applied prior art and the newly presented claims. Applicant's response follows.

As compared to the Gottlieb reference cited by the Examiner, the new claims require that the phenotypic profiles are scored and compared to an electronic databases of reference profiles. See part (c) of claim 116, which provides a step of "comparing the phenotypic profile thus generated to a library of reference phenotypic profiles, which library of reference phenotypic

profiles is stored electronically on a database.” Every other claims depends directly or indirectly from claim 116 and therefore every claim differs in this respect from the Gottlieb reference.

Gottlieb et al. do not compare to such a reference database of profiles. In fact, there is no indication in the Gottlieb reference that Gottlieb et al. have even established a such reference database of profiles that would allow - and be required for - such a comparison.

Therefore, Applicant believes the newly presented claims differ from, and are patentable over, the cited prior art by virtue of at least the foregoing distinction. Applicant respectfully requests that this response be considered as satisfying the requirements of the Examiner and that prosecution of this application continue.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Titus Kaletta, et al., Applicant


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